

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 491 OF 2008

Mr. Jugneshwar Sharma	...	Applicant
vs.		
The State of Maharashtra & Anr.	...	Respondents

Mr. Chandnsingh Shekhawat I/b. M/s. ALMT Legal, Advocate, for the applicant.

Ms. G.P.Mulekar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 31st August, 2015.

P.C.

Heard. The learned counsel for the applicant submits that during the pendency of this Revision Application, the original complainant namely Raghunath Jairam Alhat has expired on 14.4.2013. He has placed the Death Certificate on record. The Death Certificate is taken on record and marked "X" for the purpose of identification.

2. The learned Judicial Magistrate, First Class, Cantonment Court, Pune, by an order dated 3.3.2006, was pleased to issue process against the accused for the offence punishable under Section 3(1)(x) of the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

(hereinafter referred to as “the said Act”). The applicant had challenged the order of issuance of process by filing an application before the Sessions Court. The learned Addl. Sessions Judge, Pune, by an order dated 2.8.2008, issued the process. Hence, the applicant had appeared before this Court. By an order dated 16.10.2008, this Court (Coram: Smt. V.K.Tahilramani, J.) had stayed the proceedings in Special Atrocity Sessions Case No.28 of 2007 wherein the present applicant is being prosecuted for the offence punishable under Section 3(1)(x) of the said Act.

3. In view of the fact that the original complainant has expired, the offence cannot be proved for want of substantive evidence. Hence, continuance of the proceedings would be an abuse of process of law. Hence, the present application deserves to be allowed. The application is allowed. The proceedings in Special Atrocity Sessions Case No.28 of 2007 are quashed and set aside.

(SMT.SADHANA S.JADHAV, J.)